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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,285	11/28/2000	Rudy G. Bonefas	003636.0096	5470

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EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 04/01/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/723,285

Applicant(s)

BONEFAS ET AL.

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-28-2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to a communication made on November 28, 2000.

The Declaration and Power of Attorney was received on April 24, 2001.

The Change of Address was received on September 13, 2002.

The Withdraw of Attorney was received on March 19, 2003.

The Revocation and Power of Attorney was received on April 25, 2003.

The Information Disclosure Statements were received on January 4, 2002 and May 10, 2002.

Claims 1-36 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13, 23-29, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Aether Technologies publication of “Enterprise Data Wireless Center”.

Regarding claims 1, Aether discloses a communications system including a server, which is adapted to run a server application, a message router communicating with the server, a plurality of protocol gateways communicating with the message routers (Page 17, paragraph 4, “The Message Router...”), and a network, which is

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adapted to couple the server, through the message routers and the protocol gateways, to client devices (Page 10, Figure 2-1), a method of sending an alert to selected client devices (Page 22, Paragraph 1, line 1 – 2, “At times, a...”), the method comprising: a) generating the alert with the server application (Page 22, Paragraph 1, lines 3 – 5, “Rather than force...”), the alert including customer information (Page 22, Paragraph 1, lines 3 – 5, “Rather than force...”); b) sending the alert to the message router (Page 22, Paragraph 1, lines 5 – 7, “In this case...”); c) retrieving, with the message router, a station ID of the client device based on the customer information (Page 22, Paragraph 1, lines 6 – 8, “The receiving Message Router...”); d) determining a communication type of the client device based on the station ID; e) selecting one or more of the plurality of protocol gateways based on the communication type; and f) forwarding the alert to the selected one or more of the plurality of protocol gateways (Page 22, Paragraph 1, lines 6 – 9, “The receiving Message Router...”); g) formatting the alert with the protocol gateway for the selected client device; and h) forwarding the formatted alert via the network to the selected client device (Page 13, Paragraph 7, “A Protocol Gateway...”).

Regarding claim 2, Aether discloses that the customer information includes at least one of a customer ID and a port number (Page 22, Paragraph 2, lines 5 – 11, “What’s missing from...”).

Regarding claim 3, Aether discloses searching a user table to obtain the station ID associated with the customer ID (Page 22, Paragraph 2, lines 3 – 4, “If the client’s...”).

Regarding claim 4, Aether discloses that step d) further comprises searching a local cache of the message router for the station ID associated with the customer ID (Page 22, Paragraph 1, lines 6 – 8, “The receiving Message...”).

Regarding claim 5, Aether discloses that step d) further comprises searching a local cache of the message router and a device table for a first device associated with the customer ID when both the customer ID and port number are provided (Page 22, Paragraph 2, “Sending a message...”).

Regarding claim 6, Aether discloses that if no station ID is retrieved, returning an inactive customer message to the server (Page 21, Paragraph 5, “If the Protocol...”; Page 37, Paragraph 6, “This stored SQL...”).

Regarding claim 7, Aether discloses segmenting the alert with the selected protocol gateway into message segments before sending the alert over the network (Page 14, Paragraph 4, “All Messages to...”).

Regarding claim 8, Aether discloses assembling the message segments at the client device (Page 48, Paragraph 5 and 6, “All incoming message...”).

Regarding claim 9, Aether discloses that the alert includes at least one of an alert message, a compression flag, an encryption flag, and an acknowledgement flag (Page 47, Paragraph 3, “This field contains...”).

Regarding claim 10, Aether discloses returning an acknowledgement to the selected protocol gateway after receiving the formatted alert message at the client device (Page 48, Paragraph 2, “When all message...”).

Regarding claim 11, Aether discloses forwarding the acknowledgement from the selected protocol gateway to the server (Page 15, Paragraph 4 and 5, "When a message...").

Regarding claim 12, Aether discloses that the customer information is a client information object (Page 31 and 32, Table 4.1.4).

Regarding claim 13, Aether discloses that the client information object includes a customer ID and a device ID (Page 34, 4.2.1 NewCustomer includes DeviceAddress and CustomerID).

Regarding claim 23, Aether discloses a method of sending alerts to client devices, comprising: generating the alert at a server (Page 22, Paragraph 1, line 1 – 2, "At times, a..."), the alert including a customer ID and a device ID (Page 31 and 32, Table 4.1.4; Page 34, 4.2.1 NewCustomer includes DeviceAddress and CustomerID); forwarding the alert to a message router (Page 22, Paragraph 1, lines 5 – 7, "In this case..."); locating with the message router one or more station IDs based on the customer ID and device ID (Page 22, Paragraph 1, lines 6 – 8, "The receiving Message Router..."); determining with the message router a communication type associated with each station ID; forwarding the alert to a protocol gateway associated with the determined communication type; and transmitting the alert with the protocol gateway over a network to the client devices (Page 22, Paragraph 1, lines 6 – 9, "The receiving Message Router...").

Regarding claim 24, Aether discloses receiving the alert with a transport layer of an application running on the protocol gateway and sending the alert from the transport

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layer to client applications (Page 22, Paragraph 1, lines 6 – 9, “The receiving Message Router...”)

Regarding claim 25, Aether discloses segmenting the alert into message segments with the protocol gateway (Page 14, Paragraph 4, “All Messages to...”).

Regarding claim 26, Aether discloses that the client application assemble the message segments (Page 48, Paragraph 5 and 6, “All incoming message...”).

Regarding claim 27, Aether discloses sending an acknowledgement from the client device to the protocol gateway once the alert is received by the client device (Page 48, Paragraph 2, “When all message...”).

Regarding claim 28, Aether discloses that after receiving the acknowledgement from the client device, sending the acknowledgement from the protocol gateway to the server that forwarded the alert (Page 15, Paragraph 4 and 5, “When a message...”).

Regarding claim 36, Aether discloses formatting the alert for the client device with the protocol gateway (Page 13, Paragraph 7, “A Protocol Gateway...”).

Regarding claim 29, Aether discloses that the alert comprises at least one of an alert message, a client information object including the customer ID and device ID, message flags, compression flag and an encryption flag (Page 47, Paragraph 3, “This field contains...”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-22 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aether in view of Archer (6683870).

Regarding claims 14 and 31, Aether does not explicitly indicate that the alert includes an active device only flag and wherein the device ID can be set to all devices. Archer teaches a messaging system which includes the ability to message a subscriber in multiple ways. One of those ways is to send the message to the device that can be considered active (Column 3, lines 56 – 62). Another one of those ways is to send a message to all the devices that the subscriber has to his account (Column 4, lines 43 – 57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Archer's teachings of adding features to Aether's system in order to be able to get the message to the user the quickest way possible, which could be alerting the active device of the user or alerting all the devices of the user (Column 3, lines 56 – 62; Column 10, lines 1 – 10).

Regarding claim 15, Aether in combination with Archer discloses that if the active device only flag is set and the device ID is specified, searching a local cache of the message router for the station ID because if you are looking for the device that the user is most likely to be found at (Archer, Column 3, lines 56 – 62), the address in local cache, which also happens to be the most recently used device (Aether, Page 18, Paragraph 2 "When the Message..."; Paragraph 5, lines 8 – 10, "If the user...").

Regarding claim 16, Aether in combination with Mulligan discloses that if the station ID is not located in the local cache, searching a user table for the station ID (Aether, Page 22, Paragraph 2, lines 1 – 4, “Sending a message...”).

Regarding claim 17, Aether in combination with Archer discloses that if the active device only flag is set and the device ID is set to all devices, searching only the user table for active client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 18, Aether in combination with Archer that if the active device only flag is not set and the device ID is specified, searching a local cache of the message router for the station ID (Aether, Page 22, Paragraph 3, lines 1 – 3, “Sending a message...”; Aether, Page 43, Paragraph 2, “Designate Target Destination...”).

Regarding claim 19 and 33, Aether in combination with Archer discloses that if the station ID is not located in the local cache, searching a device table for the station ID (Aether, Page 22, Paragraph 3, lines 1 – 4, “Sending a message...”).

Regarding claim 20, Aether in combination with Archer discloses that if the active only flag is not set and the device ID is set to all devices, searching a device table for client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 32, Aether in combination with Archer discloses that the locating step comprises: a) if the active device only flag is set and the device ID is specified (Aether, Page 43, Paragraph 2, “Designate Target Destination...”), searching a local cache of the message router for the station ID because if you are looking for the device that the user is most likely to be found at (Archer, Column 3, lines 56 – 62;), the address

in local cache, which also happens to be the most recently used device (Aether, Page 18, Paragraph 2 “When the Message...”; Paragraph 5, lines 8 – 10, “If the user...”); b) if the active device only flag is set and the device ID is set to all devices, searching only a user table for active client devices associated with the customer ID (Archer, Column 6, lines 54 – 62); c) if the active device only flag is not: set and the device ID is specified, searching a local cache of the message router for the station ID (Aether, Page 22, Paragraph 3, lines 1 – 3, “Sending a message...”); and d) if the active device only flag is not set and the device ID is set to all devices, searching a device table for client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 30, Aether in combination with Archer discloses that the messages flags specify at least one of: whether the server requires an acknowledgement message (Aether, Page 47, Paragraph 3, “This field contains...”); whether the alert should be sent only if the client device is currently active (Archer, Column 3, lines 56 – 62); and whether the protocol gateway should only attempt message delivery once (Aether, Page 54, Paragraph 2, “Message Retries...”).

Regarding claim 35, Aether in combination with Archer discloses that if no device is located and the device ID is set to all devices, sending an inactive message to the server, otherwise sending a customer not valid message (Archer, Column 9, lines 48 – 50; Aether, Page 48, Paragraph 1 and 2, “When a message...”) because the system uses a database to look up customers and devices and if no customer or no device is found than the source needs to be notified that the request can not be processed.

Regarding claim 21, Aether does not explicitly indicate providing each station ID retrieved in step c) to the server. Archer teaches the idea of providing the source of the message with the destination or station ID (Column 7, lines 16 – 21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Archer's teaching on Aether's message routing system in order to allow the source and receiving nodes to communicate after the first alert so that they don't have to continually use the database to find the address of the destination (Column 7, lines 16 – 21).

Regarding claim 22, Aether in combination with Archer discloses providing each station ID retrieved by the message router to the server, before forwarding the alert to the protocol gateway (Archer, Column 6, lines 60 – 62; Aether, Page 21, Paragraph 6, When a Back...").

Regarding claim 34, Aether in combination with Archer discloses that if device ID set to all devices, providing each device ID located to server (Archer, Column 6, lines 60 – 62; Aether, Page 21, Paragraph 6, When a Back...").

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5894478 issued to Barzegar because it has a message gateways and routers in a messaging system.

U. S. Patent No. 6665722 issued to Elliot because it has customer IDs and Device IDs in a messaging system.

U. S. Patent No. 5937161 issued to Mulligan because it transfers messages to multiple devices of a subscriber.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
March 24, 2004.


HOSAIN ALAM
SUPERVISOR EXAMINER